

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1260 be amended to read as follows:

- 1 Page 1, line 11, delete "withhold" and insert "**enter**".
- 2 Page 1, line 11, after "conviction" insert "**as a Class D felony with**
- 3 **the express provision that the conviction will be converted to a**
- 4 **conviction as a Class A misdemeanor within three (3) years if the**
- 5 **person fulfills certain conditions.**".
- 6 Page 1, line 12, delete "for not more than three (3) years for a person
- 7 who" and insert "**A court may enter a judgment of conviction as a**
- 8 **Class D felony with the express provision that the conviction will**
- 9 **be converted to a conviction as a Class A misdemeanor only if the**
- 10 **person**".
- 11 Page 1, line 14, after "IC 35-50-2-7" insert ", ".
- 12 Page 1, line 14, delete "if" and insert "**and**".
- 13 Page 2, delete lines 1 through 4.
- 14 Page 2, line 5, delete "(c)" and insert "**(b)**".
- 15 Page 2, line 5, delete "withheld" and insert "**entered**".
- 16 Page 2, line 9, delete "(d)" and insert "**(c)**".
- 17 Page 2, line 9, delete "court," and insert "**court is not required to**
- 18 **convert a judgment of conviction entered as a Class D felony to a**
- 19 **Class A misdemeanor if,**".
- 20 Page 2, line 9, delete "may enter judgment of conviction" and insert
- 21 "**the court finds:**".
- 22 Page 2, delete line 10.
- 23 Page 2, line 11, delete "violates" and insert "**has violated**".
- 24 Page 2, between lines 15 and 16, begin a new line blocked left and
- 25 insert:
- 26 "**However, the court may not convert a judgment of conviction**
- 27 **entered as a Class D felony to a Class A misdemeanor if the person**
- 28 **commits a new offense before the conditions set by the court under**
- 29 **subsection (a) expire.**".
- 30 Page 2, line 16, delete "(e)" and insert "**(d)**".
- 31 Page 2, delete lines 19 through 24, begin a new paragraph and

1 insert:

2 **"(e) The entry of a judgment of conviction under this section**
3 **does not affect the application of any statute requiring the**
4 **suspension of a person's driving privileges."**

5 Page 2, line 25, delete "(h)" and insert "**(f)**".

(Reference is to EHB 1260 as printed March 28, 2003.)

Senator LONG